

PETITION FOR WRIT OF HABEAS CORPUS: 28 USC §2254 (Rev. 9/10)
ADOPTED BY ALL FEDERAL COURTS IN TEXAS

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

PETITION FOR A WRIT OF HABEAS CORPUS BY
A PERSON IN STATE CUSTODY

Isabel Hodgins
PETITIONER
(Full name of Petitioner)

Cedar Ridge Unit
CURRENT PLACE OF CONFINEMENT

vs.

TDCJ # 1649033
PRISONER ID NUMBER

Wanda Jeffrey Lator
RESPONDENT
(Name of TDCJ Director, Warden, Jailor, or
authorized person having custody of Petitioner)

6:19cv330 JDK/JDL
CASE NUMBER
(Supplied by the District Court Clerk)

INSTRUCTIONS - READ CAREFULLY

1. The petition must be legibly handwritten or typewritten and signed and dated by the petitioner, under penalty of perjury. Any false statement of an important fact may lead to prosecution for perjury. Answer all questions in the proper space on the form.
2. Additional pages are not allowed except in answer to questions 11 and 20. Do not cite legal authorities. Any additional arguments or facts you want to present must be in a separate memorandum. The petition, including attachments, may not exceed 20 pages.
3. Receipt of the \$5.00 filing fee or a grant of permission to proceed *in forma pauperis* must occur before the court will consider your petition.
4. If you do not have the necessary filing fee, you may ask permission to proceed *in forma pauperis*. To proceed *in forma pauperis*, (1) you must sign the declaration provided with this petition to show that you cannot prepay the fees and costs, and (2) if you are confined in TDCJ-CID, you must send in a certified *In Forma Pauperis* Data Sheet form from the institution in which you are confined. If you are in an institution other than TDCJ-CID, you must send in a certificate completed by an authorized officer at your institution certifying the amount of money you have on deposit at that institution. If you have access or have had access to enough funds to pay the filing fee, then you must pay the filing fee.

5. Only judgments entered by one court may be challenged in a single petition. A separate petition must be filed to challenge a judgment entered by a different state court.
6. Include all of your grounds for relief and all of the facts that support each ground for relief in this petition.
7. Mail the completed petition and one copy to the U. S. District Clerk. The "Venue List" in your unit law library lists all of the federal courts in Texas, their divisions, and the addresses for the clerk's offices. The proper court will be the federal court in the division and district in which you were convicted (for example, a Dallas County conviction is in the Northern District of Texas, Dallas Division) or where you are now in custody (for example, the Huntsville units are in the Southern District of Texas, Houston Division).
8. Failure to notify the court of your change of address could result in the dismissal of your case.

PETITION

What are you challenging? (Check all that apply)

- ☐ A judgment of conviction or sentence, (Answer Questions 1-4, 5-12 & 20-25)
probation or deferred-adjudication probation.
- ☐ A parole revocation proceeding. (Answer Questions 1-4, 13-14 & 20-25)
- ☒ A disciplinary proceeding. (Answer Questions 1-4, 15-19 & 20-25)
- ☐ Other: _____ (Answer Questions 1-4, 10-11 & 20-25)

All petitioners must answer questions 1-4:

Note: In answering questions 1-4, you must give information about the conviction for the sentence you are presently serving, even if you are challenging a prison disciplinary action. (Note: If you are challenging a prison disciplinary action, do not answer questions 1-4 with information about the disciplinary case. Answer these questions about the conviction for the sentence you are presently serving.) Failure to follow this instruction may result in a delay in processing your case.

1. Name and location of the court (district and county) that entered the judgment of conviction and sentence that you are presently serving or that is under attack: _____
Harris County 142nd District
Court
2. Date of judgment of conviction: MAY 14 2010
3. Length of sentence: 75 YEARS
4. Identify the docket numbers (if known) and all crimes of which you were convicted that you wish to challenge in this habeas action: 1204940 MURDER

Judgment of Conviction or Sentence, Probation or Deferred-Adjudication Probation:

5. What was your plea? (Check one) ☐ Not Guilty ☐ Guilty ☐ Nolo Contendere
6. Kind of trial: (Check one) ☐ Jury ☐ Judge Only
7. Did you testify at trial? ☐ Yes ☐ No
8. Did you appeal the judgment of conviction? ☐ Yes ☐ No
9. If you did appeal, in what appellate court did you file your direct appeal? _____

_____ Cause Number (if known): _____

What was the result of your direct appeal (affirmed, modified or reversed)? _____

What was the date of that decision? _____

If you filed a petition for discretionary review after the decision of the court of appeals, answer the following:

Grounds raised: _____

Result: _____

Date of result: _____ Cause Number (if known): _____

If you filed a petition for a *writ of certiorari* with the United States Supreme Court, answer the following:

Result: _____

Date of result: _____

10. Other than a direct appeal, have you filed any petitions, applications or motions from this judgment in any court, state or federal? This includes any state applications for a writ of habeas corpus that you may have filed. ☐ Yes ☐ No

11. If your answer to 10 is "Yes," give the following information:

Name of court: _____

Nature of proceeding: _____

Cause number (if known): _____

Grounds raised: _____

Date of final decision: _____

What was the decision? _____

Name of court that issued the final decision: _____

As to any second petition, application or motion, give the same information:

Name of court: _____

Nature of proceeding: _____

Cause number (if known): _____

Date (month, day and year) you filed the petition, application or motion as shown by a file-stamped date from the particular court: _____

Grounds raised: _____

Date of final decision: _____

What was the decision? _____

Name of court that issued the final decision: _____

If you have filed more than two petitions, applications or motions, please attach an additional sheet of paper and give the same information about each petition, application or motion.

12. Do you have any future sentence to serve after you finish serving the sentence you are attacking in this petition? ☐ Yes ☐ No

(a) If your answer is "Yes," give the name and location of the court that imposed the sentence to be served in the future: _____

(b) Give the date and length of the sentence to be served in the future: _____

- (c) Have you filed, or do you intend to file, any petition attacking the judgment for the sentence you must serve in the future? ☐ Yes ☒ No

Parole Revocation:

13. Date and location of your parole revocation: _____
14. Have you filed any petitions, applications or motions in any state or federal court challenging your parole revocation? ☐ Yes ☐ No

If your answer is "Yes," complete Question 11 above regarding your parole revocation.

Disciplinary Proceedings:

15. For your original conviction, was there a finding that you used or exhibited a deadly weapon? ☒ Yes ☐ No
16. Are you eligible for release on mandatory supervision? ☐ Yes ☒ No

17. Name and location of the TDCJ Unit where you were found guilty of the disciplinary violation:
CORRECTIONAL UNIT

Disciplinary case number: 20190184887

What was the nature of the disciplinary charge against you? Threatened to inflict harm on staff

18. Date you were found guilty of the disciplinary violation: 4.10.19

Did you lose previously earned good-time days? ☒ Yes ☐ No

If your answer is "Yes," provide the exact number of previously earned good-time days that were forfeited by the disciplinary hearing officer as a result of your disciplinary hearing:

100 days

Identify all other punishment imposed, including the length of any punishment, if applicable, and any changes in custody status:

15 Recreation restriction 45 commissary restriction

15 cell restriction L1 to L3 100 days

good time

19. Did you appeal the finding of guilty through the prison or TDCJ grievance procedure? ☒ Yes ☐ No

If your answer to Question 19 is "Yes," answer the following:

Step 1 Result: The disciplinary charge is appropriate for the offense and the guilty verdict was supported by a preponderance of evidence

Date of Result: April 16th 2019Step 2 Result: The Punishment was within established guidelines. No due process or procedural violations noted.Date of Result: Lo 10. 19**All petitioners must answer the remaining questions:**

20. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting them.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

A. **GROUND ONE:** TOLT Disciplinary Handbook CR 106

Rule VI-A, Right to attend disciplinary court.

Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Petitioner was denied his right to attend court.
Disciplinary staff never attempt to escort
petitioner to court at all and falsified
documents stating that I refused to comply with all
SEA procedures. Violates due process

B. **GROUND TWO:** The evidence is insufficient to support
the finding of guilt. CR 106 VI-B-5

Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Petitioner was denied his right to confront
his accuser and present documentary evidence.
"I will not keep playing with you" is not a threat
to inflict harm. Violates due process. This report
was not based on a preponderance of evidence. There is no evidence.

C. **GROUND THREE:** _____

Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

D. **GROUND FOUR:** _____

Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

21. Relief sought in this petition: CASE # 20190144887 to be
removed from Petitioner's Discretionary
and Line 1 received.

22. Have you previously filed a federal habeas petition attacking the same conviction, parole revocation or disciplinary proceeding that you are attacking in this petition? ☐ Yes ☒ No
If your answer is "Yes," give the date on which each petition was filed and the federal court in which it was filed. Also state whether the petition was (a) dismissed without prejudice, (b) dismissed with prejudice, or (c) denied.
- _____
- _____

If you previously filed a federal petition attacking the same conviction and such petition was denied or dismissed with prejudice, did you receive permission from the Fifth Circuit to file a second petition, as required by 28 U.S.C. § 2244(b)(3) and (4)? ☐ Yes ☐ No

23. Are any of the ~~grounds~~ listed in question 20 above presented for the first time in this petition?
☐ Yes ☒ No

If your answer is "Yes," state briefly what grounds are presented for the first time and give your reasons for not presenting them to any other court, either state or federal.

24. Do you have any petition or appeal now pending (filed and not yet decided) ~~in~~ any court, either state or federal, for the judgment you are challenging? ☐ Yes ☒ No

If "Yes," identify each type of proceeding that is pending (i.e., direct appeal, art. 11.07 application, or federal habeas petition), the court in which each proceeding is pending, and the date each proceeding was filed. _____

25. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: _____

(b) At arraignment and plea: _____

(c) At trial: _____

(d) At sentencing: _____

(e) On appeal: _____

(f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

Timeliness of Petition:

26. If your judgment of conviction, parole revocation or disciplinary proceeding became final over one year ago, you must explain why the one-year statute of limitations contained in 28 U.S.C. § 2244(d) does not bar your petition.¹

¹ The Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”), as contained in 28 U.S.C. § 2244(d), provides in part that:

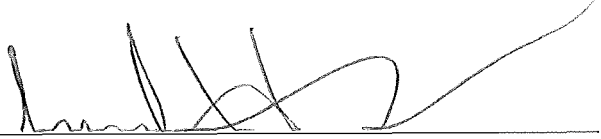
- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for a Writ of Habeas Corpus was placed in the prison mailing system on

7.12.19 (month, day, year).

Executed (signed) on 7.12.19 (date).



Signature of Petitioner (required)

Petitioner's current address: 2661 FM 2054 Tennessee
Colony TX 75084

Israel Hudgins

Petitioner

Case No. _____

Jeffrey Carter

Applicant's memorandum of law in Support of 2254 writ

Now comes Israel Hudgins, Applicant in the above styled and
Case number, and Pursuant to the Fed. R. Civ. P. Files this
writ seeking relief from arbitrary government actions and violation
of Constitutional guarantee rights under the 8th and 14th
amendment to the U.S. Constitution. Citing on *Haines v Kerner*,
for less stringent pleading standards for 2254 Prison litigants,
Applicant will show the court the following:

I

Jurisdiction

This court has Jurisdiction under Article III of the U.S.
Constitution which grants Federal Courts Jurisdiction and
Concurrent Jurisdiction.

II

Applicant received a major disciplinary case by CAPT. and
Unit Surveillance investigator for threatening to inflict
harm. March 21, 2019. Applicant was written a case for
Freedom of Speech. "I will not keep playing with you"
is not a threat to inflict harm. However, Applicant was
denied his right to attend disciplinary court. His right
to CONFIDENT his address. LOBBY & McDowell. Furthermore
Disciplinary CAPT Bales exhibited documents stating that
I Applicant failed to comply with Ad Seg exit
procedures. when no one came to inform to escort me

APPLICANT TO COURT AT ALL APPEALS. APPLICANT'S COURT IS CONDUCTED WITHOUT APPLICANT BEING PRESENT. APPLICANT HAD LT DUNCAN AND LAWYER SUBSTITUTE MS ROBERTS CHECKED THE CAMERAS - and on April 10th 2019, at 1:30 PM, the cameras show that NO ESCORT EVER CAME TO APPLICANT'S CELL to escort APPLICANT to court. How can APPLICANT FAIL TO COMPLY - when there was no order given to comply to. The disciplinary board clearly violated APPLICANT'S Due Process rights, and entered disciplinary documents to cover it up.

III

Threatening to inflict harm requires action words - as "I will kick your butt" or "I will dash you with hot water." "I will not keep playing with you" there is no threat in this statement. The evidence is insufficient to prove a threat to inflict harm. This case was generated against APPLICANT to retaliate against APPLICANT for wanting to mount grievances. At disciplinary court, the board would have NOT found APPLICANT GUILTY of this offense. Why? This grievance investigator don't walk the walk - has had a threat be carried out against her - and APPLICANT never see her. The evidence the ILO APPLICANT sent to this grievance investigator telling this grievance investigator to stop playing with my grievances and process them according to the rules, is not enough evidence to prove a threat to inflict harm. *Smith v Rabalais*, 659 F2d 539, 545 (5th Cir 1981) all due process requirements were violated. There is no evidence to support the disciplinary hearing officer's decision to find APPLICANT GUILTY. There is no threat to inflict harm. *Reeves v Petter*, 19 F3d 1060 (5th Cir 1994) - "I will not keep playing with you" is not a threat, these words is not prohibited.

IV

Applicant asserts that this is a case that was conducted without him violating due process under Wolff v O'Connor. Applicant also asserts that he was demoted to Line 3 which is a very serious issue considering Applicant being in Segregation and SCC - State Classification Committee will not consider a release from Segregation as a Line 3 offender. Applicant notes that this case and demotion to Line 3 interferes with being released from Segregation. Applicant is to wait 18 months more case free to be promoted back to Line 1. However, this date of 2019 - Applicant would be 54 again - and be released from Seg in Jan 2020. Had not the disciplinary board violated his rights to attend court. Applicant will not be promoted back to 54 until Dec of 2021. This violation of Applicant due process rights, not only tints Applicant disciplinary record but it also hinders Applicant from being released from Segregation as a Line 3 offender. Segregation offenders Line class is a very important issue and is considered at SCC - to be released. Applicant did not threaten this lady at all - and court was conducted without Applicant - because the disciplinary board knows the evidence is insufficient to prove guilt. Applicant is housed in Segregation on a valid disciplinary offense - and the disciplinary board continues to violate IDCS Disciplinary rules.

V

Casefile grievance procedure is not in compliance with the rules. I have filed close to almost grievances - and they all were denied - mainly because the grievance procedure is totally in the grievance investigator hands. The wardens were do not participate in grievance responses. The camera clearly showed that an escort never went to Applicant's cell to escort Applicant to court - and the administration were still denied the grievance. Look at the date the warden put on the step 1.


Applicant avers that he has a Constitutional right to Due Process. *Wolfe v McDonnell*, 414 U.S. 539, 559. These disciplinary rights are absolute. Where there is no evidence to resolve the disciplinary report, the disciplinary case should be dismissed. *Smith v Rabalais*, 659 F.2d 539, 545, 5th Cir 1981.

Please note that the grievance investigator wrote this case against the applicant and investigated applicant appeal grievance.

The disciplinary case should be dismissed and removed due to Procedural Due Process violations, that's been mandated by the U.S. Supreme Court.

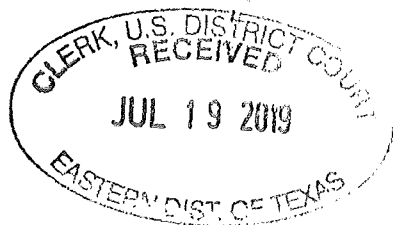
Wherefore Premises considered, applicant prays that after careful consideration of this application, this Court will grant the requested relief.

Executed this 12th day of July 2019

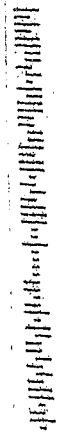

Israel Hudson
TOL# 164933

This report was filed because there
No evidence to support this report. The
Discriminatory board is required to present
evidence to find an inmate guilty of
a disciplinary offense.

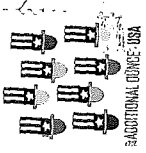
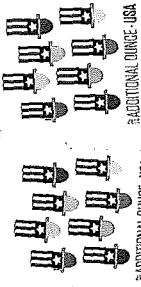
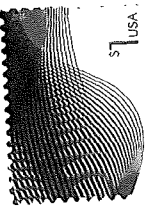
The unit administration here has subjected
me to several cases that were dismissed
by the Sgt at Preliminary investigation. This
case should have been dismissed at
Preliminary investigation - this case is totally
a form of retaliation there was NO
threat made to this Lady at all and
the unit administration knows that.



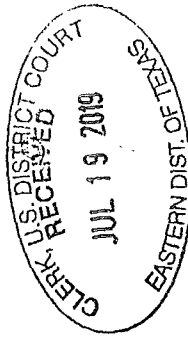
A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes.



Steel Addins
Woods Coffee-aid
2661 Qm 2051
TN Voland TX 75661



United States District
211 W. Ferguson
FALLER TX 75702



10561

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